

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEACLEAR INDUSTRIES MFG, INC., a	)	
Washington corporation,	)	Case No.
Plaintiff,	)	
	)	NOTICE OF REMOVAL
v.	)	
	)	
FED EX FREIGHT, INC., an Arkansas	)	
corporation,	)	
Defendant.	)	

**TO: PLAINTIFF AND ITS ATTORNEYS:**

Defendant FedEx Freight, Inc. ("Defendant"), by and through its undersigned counsel, hereby removes the above-entitled action from the Superior Court, Whatcom County, Washington, to this Court, pursuant to 28 U.S.C. §§ 1331, 1337, 1441(a) and (c), and 1445(b) on the following grounds:

1. On or about November 2, 2021, a civil action was commenced in the Whatcom County Superior Court by service of Summons and Complaint upon defendant. The case is styled *Seaclear Industries MFG, Inc. v. FedEx Freight, Inc.* (the "State Court Action").

1           2.       Not more than thirty days ago, Defendant was purportedly served with a copy of  
2 the Summons and Complaint in the State Court Action. This Notice of Removal is filed within  
3 thirty days of purported service.

4           3.       Prior to filing this Notice of Removal, Defendants have made no answer in the State  
5 Court Action.

6           4.       The Complaint is based upon damages claimed as arising from a shipment of goods  
7 in interstate commerce from Bellingham, Washington, to Houma, Louisiana. (Complaint ¶3.4).

8           5.       The Complaint asserts a cause of action arising under the laws of the United States  
9 and under an Act of Congress regulating interstate commerce, specifically 49 U.S.C. § 14706 (the  
10 Carmack Amendment) (Complaint ¶¶ 4.2-4.7).

11           6.       Accordingly, there is a federal question presented, pursuant to the Carmack  
12 Amendment to the Interstate Commerce Act, 49 U.S.C. §14706 *et seq.*, and therefore this is a  
13 matter over which this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337 and which may  
14 be removed under 28 U.S.C. § 1441. Further, the Complaint seeks damages more than \$10,000,  
15 satisfying the amount in controversy requirement of 28 U.S.C. §1445(b).

16           7.       Written notice of the filing of this Notice of Removal will be served today on  
17 plaintiff herein, and a copy of this notice will be filed promptly with the Clerk of Court, Whatcom  
18 County.

19           8.       This Notice of Removal is filed in compliance with Rule 11, Federal Rules of Civil  
20 Procedure.

21           9.       Attached as **Exhibit A** are copies of all process, pleadings, and other documents  
22 served upon Defendant in the State Court Action.

23  
24  
25  
DEFENDANT'S NOTICE OF REMOVAL - 2

**Law Office of James F. Whitehead**  
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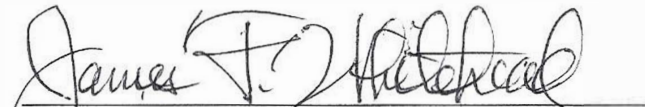
10. Defendant is filing this notice by reason of the requirements of 28 U.S.C. §1446,  
and this notice has been timely filed pursuant to 28 U.S.C. § 1446(b).

11. Defendant reserves all defenses, including but not limited to, those under Rule  
12(b) of the Federal Rules of Civil Procedure and does not waive said defenses by the filing of this  
notice.

WHEREFORE, Defendant respectfully prays that the above-entitled action commenced in  
the Superior Court, Whatcom County, be hereby removed from the above-referenced State Court  
to the United States District Court for the Western District of Washington.

DATED this 2nd day of December, 2021.

LAW OFFICE OF JAMES F. WHITEHEAD

  
James F. Whitehead, WSBA#6319  
Attorneys for defendant